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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 RAYMOND GARCIA, et al.,
10 Plaintiff(s),

11 v.

12 SERVICE EMPLOYEES
INTERNATIONAL UNION, et al.,
13 Defendant(s).

Case No.: 2:17-cv-01340-APG-NJK

Order

14 Seeking an order that judicial filings be sealed is a straightforward endeavor. The local
15 rules explain the basic procedure for seeking such relief, Local Rule IA 10-5, and the Court has
16 issued an order in this case establishing a procedure for seeking such relief with respect to filing
17 another party's confidential information, Docket No. 121. The Ninth Circuit has also developed a
18 robust body of law explaining the applicable standards and how they are met. *See, e.g., Kamakana*
19 *v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

20 Now pending before the Court is Plaintiffs' third attempt to seal documents in relation to
21 their motion to compel. Docket No. 134-36.¹ As an initial matter, Plaintiffs filed not only some
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23 ¹ Throughout this process, the Court has received several telephone calls in chambers from
24 counsel for the parties seeking guidance as to the applicable sealing procedures and/or the meaning
25 of the Court's previous order. As the Court's staff explained on each of those calls, an attorney
26 violates the prohibition against *ex parte* communications by calling chambers without the presence
27 of opposing counsel. *See* Local Rule IA 7-2(b). Moreover, absent extraordinary circumstances
28 not present here, parties must seek relief by filing a written request on the docket, not by calling
chambers. *See, e.g.,* Local Rule 7-2(a). Lastly, "[i]t is not the responsibility of the Court's staff
to take time away from their other duties to educate counsel on the basic procedures of practicing
law in this Court." *Gfeller v. Doyne Med. Clinic, Inc.*, 2015 U.S. Dist. Lexis 46542, at *4 n.4 (D.
Nev. Apr. 8, 2015). **Moving forward counsel shall refrain from calling chambers in any
manner that violates these rules.** Failure to do so may result in the imposition of sanctions.

1 exhibits under seal pending resolution of their motion to seal, but also filed the motion to seal itself
2 and the supporting declaration thereto under seal. Docket Nos. 135, 135-1. A motion to seal
3 should not generally be filed under seal. *E.g., Old Republic Ins. Co. v. City Plan Dev., Inc.*, 2017
4 WL 5076515, at *2 (D. Nev. Nov. 2, 2017); *In re Western States Wholesale Nat'l Gas Antitrust*
5 *Litig.*, 2016 WL 4944086, at *1 n.1 (D. Nev. Sept. 14, 2016). No explanation has been provided
6 as to why the motion itself or supporting declaration thereto should be sealed. Accordingly, **the**
7 **Court will unseal the motion to seal itself (Docket No.135) and the declaration in support of**
8 **that motion to seal (Docket No. 135-1) unless a further motion is filed explaining why they**
9 **should remain sealed by 3:00 p.m. on July 13, 2018.**

10 In addition, the parties have now also filed a further motion to seal one of the exhibits that
11 was filed on the public docket should have been filed under seal. Docket No. 136. Despite a clear
12 requirement that the parties confer on the filing of such an exhibit *beforehand*, *see, e.g.*, Docket
13 No. 121, the parties now indicate that “Defendants did not previously realize Plaintiff intended to
14 file such material,” Docket No. 136-1 at ¶ 3. The Court is unclear why the parties did not comply
15 with its clear directive. *See, e.g.*, Docket No. 133 (“Any renewed filings must comply with the
16 procedures for sealing outlined in Docket No. 121”). Nonetheless, as a one-time courtesy to the
17 parties, the Court will allow the subject document to be sealed on an interim basis pending
18 resolution of the motion to seal. Accordingly, the Clerk’s Office is **INSTRUCTED** to seal Docket
19 No. 134-17 (“Exhibit 21”).²

20 **The Court expects strict compliance with the sealing procedures moving forward.**

21 IT IS SO ORDERED.

22 Dated: July 12, 2018

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Nancy J. Koppe
United States Magistrate Judge

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27 ² The Court herein expresses no opinion as to the merits of the motion to seal and, in
28 particular, whether the applicable sealing standard has been met for this particular exhibit such
that the Court will allow it to remain sealed indefinitely.